

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

<p>NORTHEAST CONTROLS, INC., 3 Enterprise Avenue Clifton Park New York, NY 12065</p> <p>ST. PAUL MERCURY INSURANCE COMPANY 385 Washington Street St. Paul, MN 55102</p> <p>Plaintiffs,</p> <p>v.</p> <p>FISHER CONTROLS INTERNATIONAL, LLC 205 S. Center Street Marshalltown, Iowa 50158</p> <p>Defendant.</p>	<p>C.A. No. 06-412 SLR</p> <p>DEFENDANT'S NOTICE OF WAIVER OF RIGHT TO FILE OPENING BRIEF</p>
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Pursuant to Rule 7.1.2, Fisher Controls International LLC hereby gives notice that it waives its right to file an opening brief in relation to Defendant's Motion for Approval of the Form of Bond with Surety and relies on the contents of it is Motion.

**MARON MARVEL BRADLEY
& ANDERSON, P.A.**

/s/ Paul A. Bradley

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OF COUNSEL

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Date: September 2, 2008

CERTIFICATE OF SERVICE

I, Paul A. Bradley, Esquire, hereby certify that, on September 2, 2008, I caused a true and correct copy of the following documents to be served upon counsel of record via electronic filing and hand delivery:

1. Defendant Fisher Controls International, LLC's Motion for Approval of the Form of Bond with Surety; and
2. Defendant Fisher Controls International, LLC's Notice of Waiver of Right to File Opening Brief.

**MARON MARVEL BRADLEY
& ANDERSON, P.A.**

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